

**CASE NUMBER: 15SN0664**  
**APPLICANT: Lee M. Singleton**



**STAFF'S ANALYSIS  
AND  
RECOMMENDATION**

**Board of Supervisors (BOS)**

**Public Hearing Date:**

AUGUST 26, 2015

**BOS Time Remaining:**

365 DAYS

**Applicant's Contact:**

LEE M. SINGLETON  
(804-385-0355)

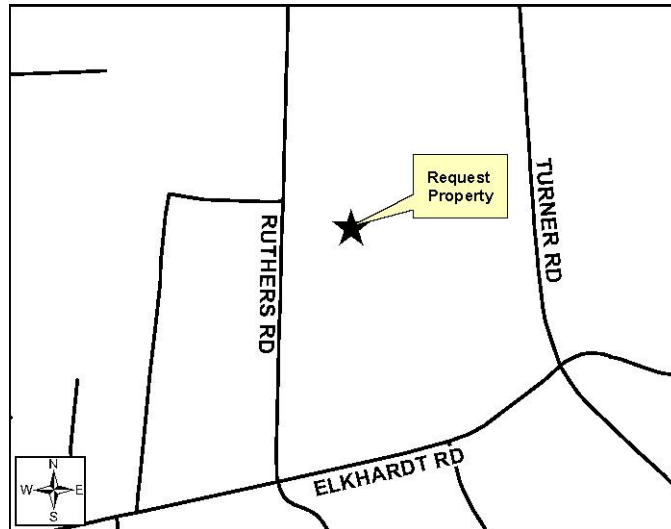
**Planning Department Case Manager:**

RYAN RAMSEY (804-768-7592)

**CHESTERFIELD COUNTY, VIRGINIA**

Magisterial District: **MIDLOTHIAN**

901 Ruthers Road



**APPLICANT'S REQUEST**

Conditional use to permit a contractor's shop and storage yard (tree service business) in an Agricultural (A) District.

A tree service business with associated equipment is currently operating from the property without the requisite zoning. Approval of this conditional use would bring the use into compliance with the Ordinance.

**Notes:**

- A. Conditions may be imposed or the property owner may proffer conditions.
- B. Proffered conditions are located in Attachment 1.

**RECOMMENDATION**

PLANNING  
COMMISSION  
(7/21/2015)

**RECOMMEND APPROVAL**

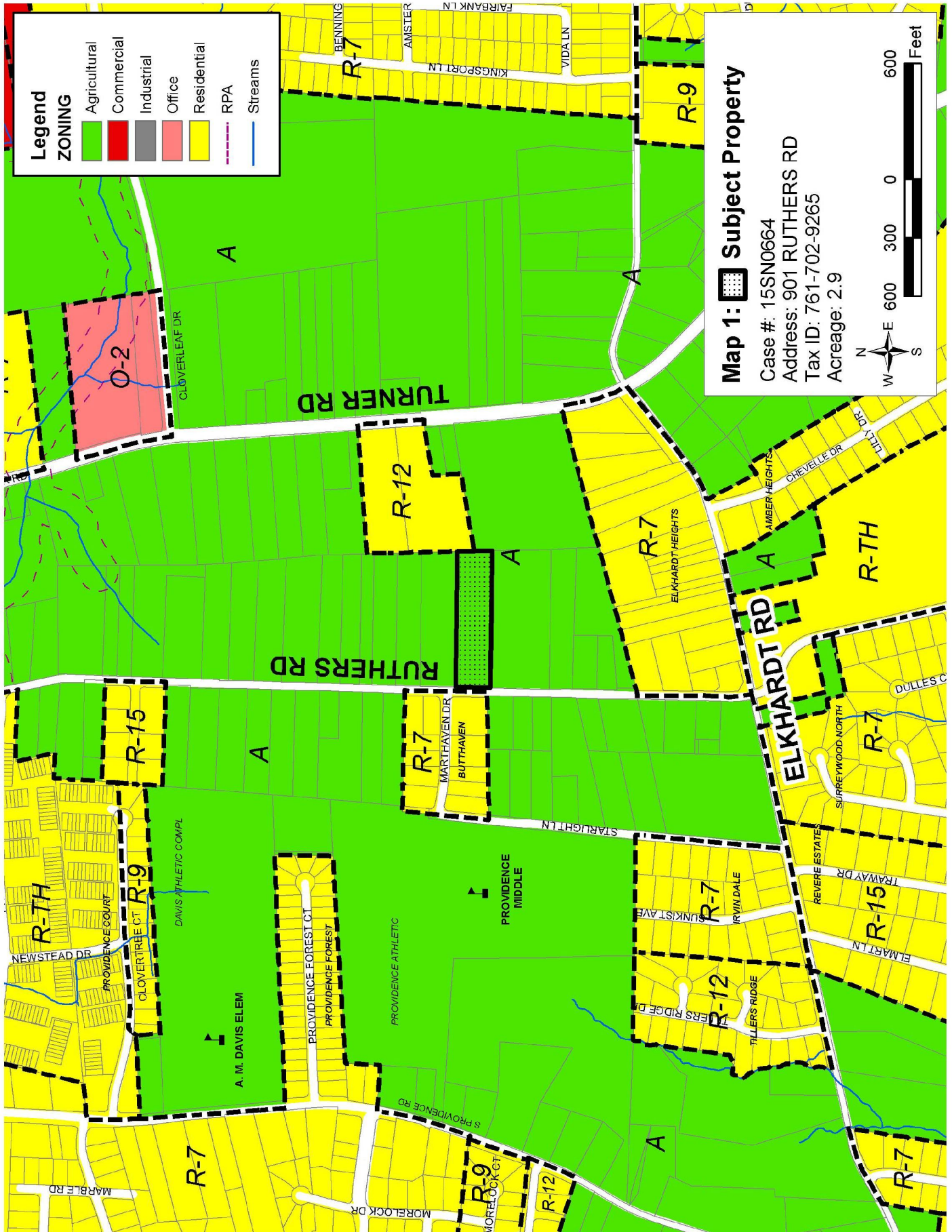
- Conditions will minimize impacts on adjacent properties

STAFF

**RECOMMEND DENIAL**

- Does not comply with Plan
- Commercial encroachment within a residential neighborhood

SUMMARY OF IDENTIFIED ISSUES	
Department	Issue
PLANNING	<ul style="list-style-type: none"> <li>• <u>Plan</u> suggests residential uses appropriate for this area</li> <li>• Business is not incidental to a dwelling</li> <li>• Use represents commercial encroachment within a residential area</li> </ul>
FIRE	-
CDOT	-
VDOT	-
UTILITIES	-
ENVIRONMENTAL ENGINEERING	-

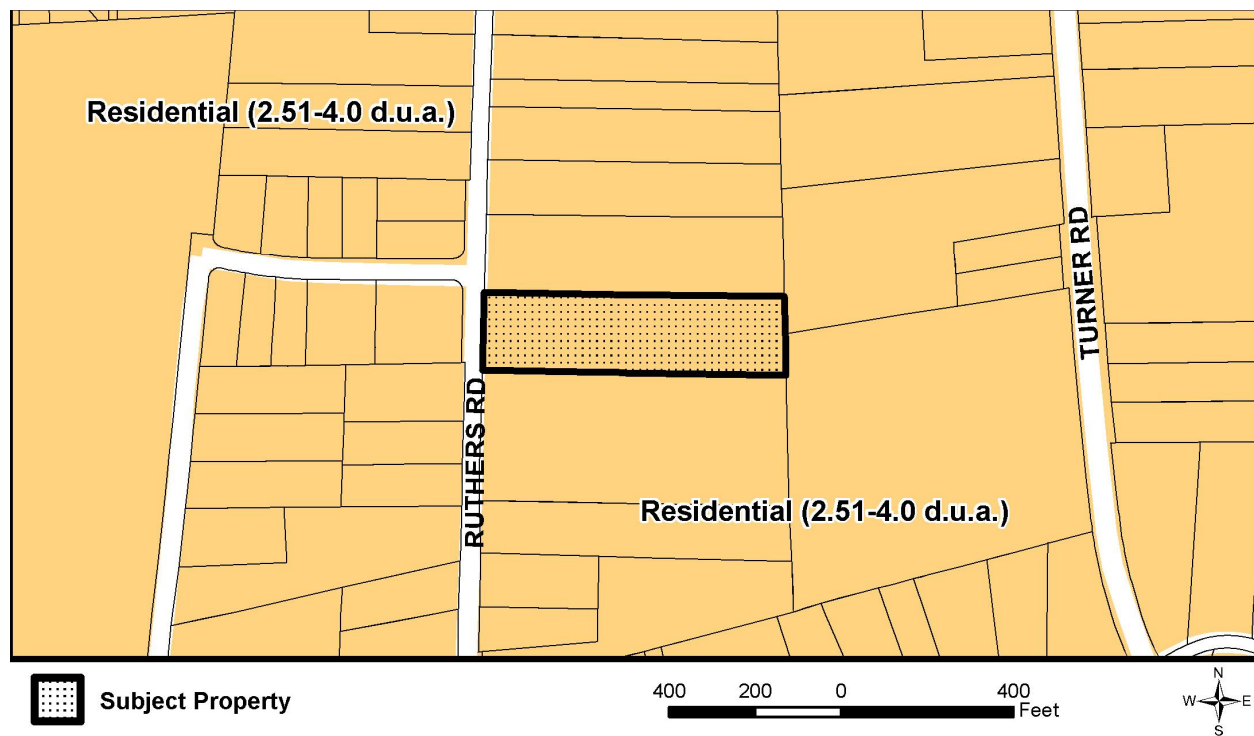




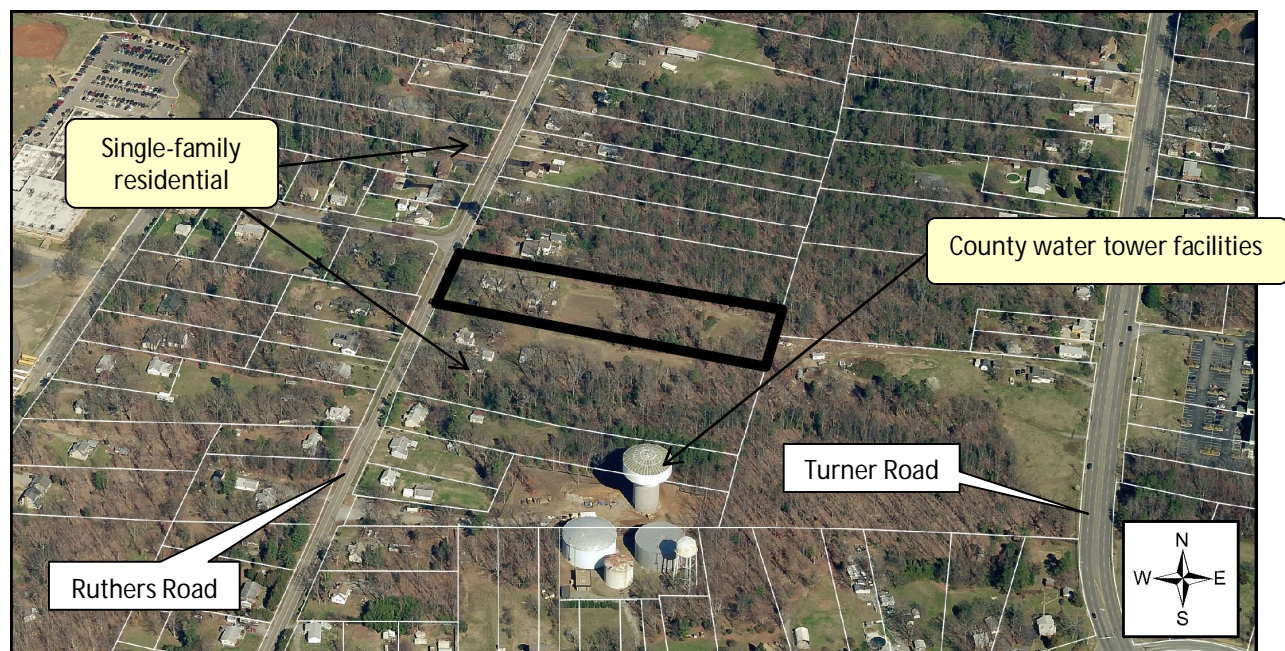
## Map 2: Comprehensive Plan (The Eastern Midlothian Plan)

Classification: **RESIDENTIAL**

The designation suggests the property is appropriate for 2.51 to 4.0 dwellings per acre.



## Map 3: Surrounding Land Uses & Development



## PLANNING

Staff Contact: Ryan Ramsey (804-768-7592) ramseyrp@chesterfield.gov

### PROPOSAL

The applicant, who is a tree service contractor, has been operating a business from this property since November 2013 without the required zoning.

In March 2015, the Planning Department received a complaint relative to the operation of a tree service business on the request property. Upon investigation, staff observed several company vehicles, vehicle trailers, and wood chipper equipment. The applicant conveyed to staff that the residence is used as an office for the business only and that no one resides on the premises. It was determined that a tree service business was being operated from the property, requiring a conditional use.

The following provides an overview of conditions offered by the applicant to minimize the impact of the use on area properties:

General Overview	
Requirements	Details
Ownership	Limited to the applicant only <i>Proffered Condition 1</i>
Use	Limited to a tree service business <i>Proffered Condition 2</i>
Time Limitation	Limited to 1 year <i>Proffered Condition 3</i>
Equipment/Material Storage	<ul style="list-style-type: none"><li>• Five (5) service trucks</li><li>• One (1) trailer</li><li>• Two (2) tractors</li></ul> <i>Proffered Condition 4</i>
Location of Use	Confined to existing dwelling, accessory buildings and the outside storage areas <i>Exhibit A &amp; Proffered Condition 5</i>
Screening	Extension of fence to provide screening of outside storage areas from Ruthers Road <i>Exhibit A &amp; Proffered Condition 6</i>
Employees and Clients	<ul style="list-style-type: none"><li>• No more than 7 employees</li><li>• No clients</li></ul> <i>Proffered Condition 7</i>
Signage	None permitted <i>Proffered Condition 8</i>
Hours of Operation	Monday through Friday from 7:30 a.m. to 5 p.m. <i>Proffered Condition 9</i>

## PUBLIC FACILITIES

### FIRE SERVICE

Staff Contact: Greg Smith (804-706-2012) smithgd@chesterfield.gov

### Nearby Fire and Emergency Medical Service (EMS) Facilities

Fire Station	The Buford Fire Station, Company Number 9
EMS Facility	The Forest View Volunteer Rescue Squad

This request will have minimal impact on fire and EMS.

### COUNTY DEPARTMENT OF TRANSPORTATION

Staff Contact: Jim Banks (804-748-1037) banksj@chesterfield.gov

The Comprehensive Plan, which includes the Thoroughfare Plan, identifies county-wide transportation needs that are expected to mitigate traffic impacts of future growth. The anticipated traffic impact of the proposal has been evaluated and it is anticipated to be minimal.

### VIRGINIA DEPARTMENT OF TRANSPORTATION

Staff Contact: Brian Lokker (804-674-2384) brian.lokker@vdot.virginia.gov

### VDOT Land Use Regulations

Traffic Impact Analysis (24VAC30-155)	-
Access Management (24VAC30-73)	-
Subdivision Street Acceptance (24VAC30-91/92)	-
Land Use Permit (24VAC30-151)	-
Summary	VDOT has no particular concern with a tree care service incidental to residential use of a property. VDOT acknowledges that this issue is for County determination. A low volume commercial entrance, as access to the property, may be considered if customers conduct business at the site, or trucks heavier than "pickup" trucks are involved.

## **WATER AND WASTEWATER SYSTEMS**

Staff Contact: Jamie Bland (804-751-4439) blandj@chesterfield.gov

The proposal's impacts on the County's utility system are detailed in the chart below:

<b>Water and Wastewater Systems</b>			
	<b>Currently Serviced?</b>	<b>Size of Existing Line</b>	<b>Connection Required by County Code?</b>
<b>Water</b>	Yes	12"	Yes
<b>Wastewater</b>	No	N.A.	No

### Additional Information:

The proposed request will not impact the public water and wastewater systems.

## **ENVIRONMENTAL**

Drainage, Erosion and Water Quality

Staff Contact: Doug Pritchard (804-748-1028) pritchardd@chesterfield.gov

Environmental Engineering has no comment on this request.

CASE HISTORY	
Applicant Submittals	
5/12/15	Application submitted
7/2/15	Proffers were submitted
7/21/15	Proffer amended at public hearing to reduce time limit to one (1) year
Community Meeting	
7/7/15	<b>Issues Discussed:</b> <ul style="list-style-type: none"> <li>The District Commissioner, applicant and staff attended this meeting at the LaPrade Library</li> <li>No neighbors or citizens attended the meeting</li> </ul>
Planning Commission Meeting	
7/21/15	<b>Citizen Comments</b> Two citizens spoke in opposition to this case, noting that the request is the result of complaint and that the business use is encroaching into a residential area.  <b>Commission Discussion</b> The Commission noted their support for this case: <ul style="list-style-type: none"> <li>Community meeting was conducted</li> <li>Conditions will minimize impacts on adjacent properties and the applicant agreed to reduce the time limit from five (5) years to one (1) year</li> <li>Request would allow applicant time to find an alternate location for the business</li> </ul> <b>Recommendation – APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITIONS IN ATTACHMENT 1</b>  <b>Motion:</b> Waller <b>Second:</b> Brown <b>AYES:</b> Gulley, Waller, Brown and Wallin <b>ABSENT:</b> Patton
The Board of Supervisors on Wednesday, August 26, 2015, beginning at 6:30 p.m., will consider this request.	



<b>PROFFERED CONDITIONS</b>
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Note:

"CPC" – Recommended by the Planning Commission only

- (CPC) 1. Non-Transferable Ownership: This Conditional Use approval shall be granted exclusively to Lee Singleton, and shall not be transferable with the land. (P)
- (CPC) 2. Use: This Conditional Use approval shall be for the operation of a contractor's office and storage yard (tree service business). (P)
- (CPC) 3. Time Limitation: This Conditional Use approval shall be granted for a period not to exceed one (1) year from the date of approval. (P)
- (CPC) 4. Equipment Storage: As a part of this business, the following equipment may be stored on the property:
- A. Five (5) service trucks
  - B. One (1) trailer
  - C. Two (2) tractors
- No other equipment or materials may be stored on the property for this use. (P)
- (CPC) 5. Location of Use: The use shall be confined to the existing dwelling, accessory buildings and the storage areas noted on Exhibit A, dated June 10, 2015. (P)
- (CPC) 6. Screening: A privacy fence, as shown on Exhibit A, shall be installed within ninety (90) days of approval. The fence shall be a minimum of six (6) feet tall, located within the side yard of the contractor's office, and be constructed as a wooden board-on-board fence. (P)
- (CPC) 7. Employees and Clients: No more than seven (7) employees shall be permitted to work on the premises. No clients shall be permitted on the property. (P)
- (CPC) 8. Signage: There shall be no signs identifying this use. (P)
- (CPC) 9. Hours of Operation: The contractor's office and storage yard (tree service business), to include the movement of equipment, shall be limited to Monday through Friday from 7:30 a.m. to 5:00 p.m. (P)

EXHIBIT A

